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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,437	10/18/2000	Michel K. Susai	1763.0110000	3741

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EXAMINER
PHAN, TAM T

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/690,437	SUSAI ET AL.
	Examiner	Art Unit	
	Tam (Jenny) Phan	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 June 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-8</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>18 October 2000</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/20/2005</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This application has been examined. Amendment received on 06/20/2005 has

been entered. Claims 1-8 are previously presented.

2.   Claims 1-8 are presented for examination.

Priority

3.   No priority claims have been made.

4.   The effective filing date for the subject matter defined in the pending claims in

this application is 10/18/2000.

Information Disclosure Statement

5.   An initialed and dated copy of Applicant's IDS form 1449, Received on

06/20/2005, is attached to the instant Office action.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7.   Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by

Roberts et al. (U.S. Patent Number 6,295,551), hereinafter referred to as Roberts.

8.   Regarding claim 1, Roberts disclosed an apparatus comprising: means for

opening a first connection between a first client [User Computer 12] and an interface

unit [Network 16] (Figures 1 and 6); means for opening a second connection between

said interface unit and a server if no free connection is open between said interface unit

and said server (Figures 1 and 6); means for allowing said first client to access

information on said server via said second connection; means for opening a third

connection between a second client [Second Computer 24] and said interface unit

(Figure 1 and 6); and means for allowing said second client to access information on

said server via said second connection without waiting for said first client to disconnect

(Figure 6, column 3 lines 31-57, column 7 lines 24-62, column 9 lines 25-38, column 10

lines 19-36, column 15 lines 7-20).

9.   Regarding claim 2, Roberts disclosed an apparatus further comprising: means for

delinking said first connection and said third connection while keeping open said second

connection (Figure 5, column 5 line 62-column 6 line 8, column 7 lines 35-62, column 19

lines 7-17).

10.   Regarding claims 5-6, the method corresponds directly to the apparatus of claims

1-2, thus these claims are rejected using the same rationale.

11.   Since all the limitations of the claimed invention were disclosed by Roberts,

claims 1-2 and 5-6 are rejected.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Parsons, Jr. et al. (U.S. Patent Number 6,085,247), hereinafter referred to as Parson, in

view of Rowe et al. (U.S. Patent No. 5,964,836), hereinafter referred to as Rowe.

14.   Regarding claim 1, Parson disclosed an apparatus comprising means for

opening a first connection between a first client and an interface unit (Abstract, Figure 1,

column 3 lines 7-41); means for opening a second connection between said interface

unit and a server if no free connection is open between said interface unit and said

server (Figures 1 and 7, column 6 line 55-column 7 line 17); means for allowing said

first client to access information on said server via said second connection (column 3

lines 7-41, column 10 lines 29-58, column 12 lines 33-53); means for opening a third

connection between a second and said interface unit (column 7 lines 10-17, column 10

lines 29-58, column 12 lines 33-53); and means for allowing said second client to

access information on said server via said second connection (column 3 lines 7-41,

column 10 lines 29-58, column 12 lines 33-53).

15.   Parson taught the invention substantially as claimed. However, Parson did not

expressly teach means for allowing said second client to access information on said

server via said second connection *without waiting for said first client to disconnect.*

16.   Rowe disclosed an apparatus having means for allowing client to access

information on said server via said second connection without waiting for other client to

disconnect (column 5 lines 15-43).

17.   It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the method apparatus of Parsons with the teachings of

Rowe to include means for allowing client to access information on said server via said second connection without waiting for other client to disconnect in order to provide persistent session between a first client and the server while allowing the second client to access the information from the server (Rowe, column 5 lines 24-33).

18.   Regarding claim 2, Parsons disclosed an apparatus further comprising means for delinking said first connection and said third connection while keeping open said second connection (column 3 lines 8-13, column 7 lines 1-17).

19.   Regarding claim 3, Parsons disclosed an apparatus wherein said means for allowing said second client to access information on said server via said second connection is comprised of means for utilizing a content length parameter to determine whether all of said information has been sent to said first client (column 10 lines 30-58, column 12 lines 33-53).

20.   Regarding claim 4, Parsons disclosed an apparatus wherein said means for allowing said second client to access information on said server via said second connection is comprised of means for utilizing two or more chunk-size fields to determine whether all of said information has been sent to said first client (column 10 lines 30-58, column 12 lines 33-53).

21.   Regarding claims 5-8, the method corresponds directly to the apparatus of claims 1-4, thus these claims are rejected using the same rationale.

22.   Since all the limitations of the claimed invention were disclosed by the combination of Parsons and Rowe, claims 1-8 are rejected.

Response to Arguments

23.   Applicant's arguments filed 06/20/2005 have been fully considered but they are

not persuasive.

24.   In respond to applicant's argument that Roberts failed to disclose "an interface

unit" and "establishing a second connection between an interface unit and a server", the

Examiner respectfully disagrees. According to the instant specification, an interface unit

is defined as: "an interface unit is an intelligent network interface card with a CPU inside

a server. An interface unit can also be an intelligent box sitting outside the server, in

which case it can serve more than one server. Interface unit 202 can also be a load

balancer, bandwidth manager, firewall, router, switch, computer system, or any other

network device that is located between a client and server" (page 6 lines 13-19).

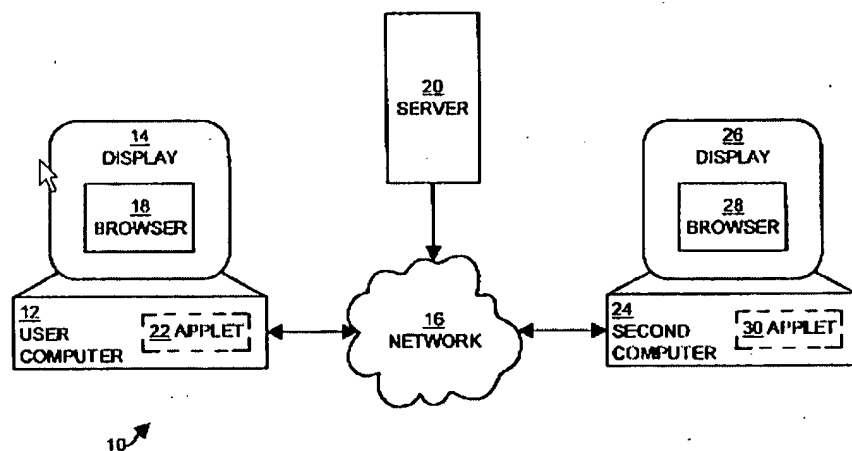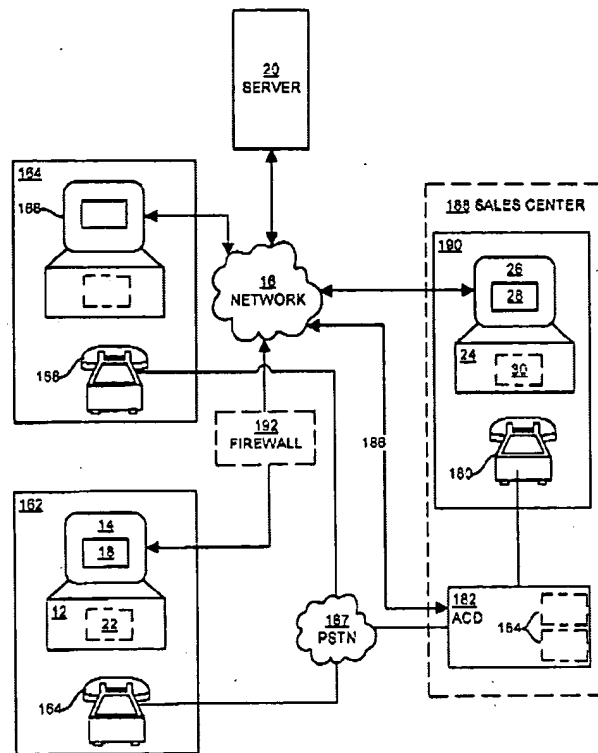Figures 1 and 6 that are taught in Roberts are shown below:

FIG. 1

FIG. 6

25.   According to applicant's definition of "an interface unit", it should be obvious to

one of ordinary skill in the art that network 16 is the interface unit as claimed. In Figure

1, it should be obvious that there is a connection between the first client and the

network and there is a second connection between the network and the server. When

the second client connects to the network, the second is able to access the server using

the already existed connection between the network and the server. In Figure 6, it

should be more apparent that the first, second, and third clients are able to access the

server using the connection between the network and the interface without waiting for

any of the clients to disconnect the connection between the client and the network.

26.   In response to applicant's argument that Parson does not teach "an interface

unit", in view of the instant specification as discussed above, the network 26 (See

Figure 1) disclosed by Parson is equivalent to the interface unit as claimed in the

independent claims. In response to applicant's argument that Rowe does not allow a

second client to access information on the server via a second connection without

waiting for the first client to disconnect. It is submitted that Rowe disclosed "The

terminal emulation information is processed at the remote computer to conduct a

persistent session between the remote computer and a host-based application, i.e., a

session which persists when the remote computer accesses another resource location

(or reloads the host access resource location). In this manner, a platform-independent

solution is provided which does not required a mediating server in the session and

which allows a user to navigate among resource locations without requiring termination

of the session" (column 5 lines 24-33). Thus, Rowe taught persistent session which

allows users to access information without requiring termination of the session.

27.   In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., "establishing a connection without waiting for a first client to disconnect") are not

recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re*

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

28.   As the rejection reads, Examiner asserts that the combination of these teachings

render the claimed invention obvious.

Conclusion

29.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

30.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Refer to the enclosed PTO-892 for details.

31.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tam (Jenny) Phan whose telephone number is (571)

272-3930. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MARC D. THOMPSON

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PRIMARY EXAMINER

Tam T. Phan
August 13, 2005
tp